

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00865-RDM**

ANIMAL LEGAL DEFENSE FUND v. UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

ANIMAL LEGAL DEFENSE FUND

represented by **C. Peter Sorenson**
SORENSEN LAW OFFICE
P.O. Box 10836
Eugene, OR 97440
(541) 606-9173
Email: petesorenson@gmail.com
ATTORNEY TO BE NOTICED

Rachel Doughty
GREENFIRE LAW, P.C.
2550 9th Street
Suite 204B
Berkeley, CA 94710
(828) 424-2005
Email: rdoughty@greenfirelaw.com
TERMINATED: 03/29/2018
ATTORNEY TO BE NOTICED

Sean Terrell Malone
SEAN T. MALONE, ATTORNEY AT
LAW
259 E. 5th Avenue
Suite 200-C
Eugene, OR 97401
(303) 859-0403
Fax: (541) 748-1253
Email: seanmalone8@hotmail.com
ATTORNEY TO BE NOTICED

Daniel J. Stotter
STOTTER AND ASSOCIATES, LLC
408 SW Monroe Avenue
Suite M210E
Corvallis, OR 97333
(541) 738-2601
Fax: (541) 738-0611
Email: dstotter@qwestoffice.net
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES**

represented by **Katherine Boyd Palmer-Ball**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2537
Fax: (202) 252-2599
Email: katherine.palmer-ball@usdoj.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Damon William Taaffe
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2544
Fax: (202) 252-2599
Email: damon.taaffe@usdoj.gov
TERMINATED: 11/13/2018

Daniel Patrick Schaefer
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2531
Fax: (202) 252-2599
Email: Daniel.Schaefer@usdoj.gov
TERMINATED: 04/25/2019

Sherri L. Morgan
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2538
Email: sherri.morgan@usdoj.gov
TERMINATED: 11/13/2018

Date Filed	#	Docket Text
05/10/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-4947463) filed by ANIMAL LEGAL DEFENSE FUND. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Stotter, Daniel) (Entered: 05/10/2017)
05/10/2017		Case Assigned to Judge Randolph D. Moss. (md) (Entered: 05/11/2017)
05/13/2017	<u>2</u>	NOTICE of Appearance by C. Peter Sorenson on behalf of ANIMAL LEGAL DEFENSE FUND (Sorenson, C.) (Entered: 05/13/2017)
05/15/2017	<u>3</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set out in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 5/15/2017. (lcrdm2,) (Entered: 05/15/2017)
05/15/2017	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 05/15/2017)
06/07/2017	<u>5</u>	NOTICE of Appearance by Damon William Taaffe on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Taaffe, Damon) (Entered: 06/07/2017)
06/14/2017	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Taaffe, Damon) (Entered: 06/14/2017)
06/15/2017		MINUTE ORDER: Upon consideration of defendant's motion for an extension of time <u>6</u> , the motion is hereby GRANTED, and defendant may answer or otherwise respond to the complaint on or before July 21, 2017. Signed by Judge Randolph D. Moss on 6/15/2017. (lcrdm2,) (Entered: 06/15/2017)

06/15/2017		Set/Reset Deadlines: Answer due by 7/21/2017. (kt) (Entered: 06/15/2017)
07/21/2017	<u>7</u>	MOTION to Dismiss by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit A 4/7/16 Response Letter, # <u>2</u> Exhibit B 45 CFR 5.34, # <u>3</u> Exhibit C Declaration)(Taaffe, Damon) (Entered: 07/21/2017)
07/28/2017	<u>8</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss by ANIMAL LEGAL DEFENSE FUND (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 07/28/2017)
07/28/2017		MINUTE ORDER: Upon consideration of Plaintiff's Consent Motion for Extension of Time <u>8</u> , it is hereby ORDERED that the motion is GRANTED. Plaintiff shall file a response to Defendant's motion to dismiss on or before August 11, 2017. Signed by Judge Randolph D. Moss on 7/28/2017. (lcrdm2,) (Entered: 07/28/2017)
07/28/2017		Set/Reset Deadlines: Plaintiff's response to Defendant's motion to dismiss due by 8/11/2017. (kt) (Entered: 07/28/2017)
08/02/2017	<u>9</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES filed by ANIMAL LEGAL DEFENSE FUND.(Stotter, Daniel) (Entered: 08/02/2017)
08/02/2017		MINUTE ORDER: In light of the Plaintiff's Amended Complaint <u>9</u> , Defendant's Motion To Dismiss the original Complaint <u>7</u> is hereby DENIED as moot. Signed by Judge Randolph D. Moss on 8/2/2017. (lcrdm2,) (Entered: 08/02/2017)
08/16/2017	<u>10</u>	ANSWER to <u>9</u> Amended Complaint by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. Related document: <u>9</u> Amended Complaint filed by ANIMAL LEGAL DEFENSE FUND.(Taaffe, Damon) (Entered: 08/16/2017)
08/17/2017		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status conference on September 19, 2017, at 10:15 a.m. in Courtroom 21. It is further ORDERED that the parties shall meet and confer prior to the status conference to discuss scheduling for further proceedings. Signed by Judge Randolph D. Moss on 8/17/2017. (lcrdm2,) (Entered: 08/17/2017)
08/17/2017		Set/Reset Hearings: Status Conference set for 9/19/2017, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 08/17/2017)
08/23/2017	<u>11</u>	Consent MOTION Requesting Authorization for Plaintiff's Counsel's Telephonic Appearance at September 19, 2017 Status Conference Requesting by ANIMAL LEGAL DEFENSE FUND (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 08/23/2017)
08/24/2017	<u>12</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Taaffe, Damon) (Entered: 08/24/2017)
08/24/2017		MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>12</u> , the status conference scheduled for September 19, 2017, at 10:15 a.m. is hereby VACATED and RESCHEDULED for November 2, 2017, at 10:15 a.m. It is hereby ORDERED that the parties shall file a joint status report on or before October 25, 2017, explaining their progress in resolving this matter and proposing a briefing schedule if necessary. It is further ORDERED that Plaintiff's Consent Motion for Telephonic Appearance at the September 19, 2017 Status Conference <u>11</u> is hereby DENIED as moot in light of the fact that the status conference has been rescheduled. Plaintiff's counsel may participate telephonically in the status conference scheduled for November 2, 2017, and should contact the courtroom deputy to make the necessary arrangements. Signed by Judge Randolph D. Moss on 8/24/2017. (lcrdm2,) (Entered: 08/24/2017)
08/24/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/25/2017. The Status Conference set for 9/19/2017 is VACATED and RESCHEDULED for 11/2/2017, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 08/24/2017)
10/19/2017	<u>13</u>	NOTICE of Appearance by Rachel Doughty on behalf of All Plaintiffs (Doughty, Rachel) (Main Document 13 replaced on 10/20/2017) (znmw). (Entered: 10/19/2017)

10/25/2017	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Taaffe, Damon) (Entered: 10/25/2017)
10/27/2017		MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>14</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before November 30, 2017, explaining their progress in resolving this matter and proposing a briefing schedule if necessary. It is further ORDERED that the status conference scheduled for November 2, 2017, is hereby VACATED. Signed by Judge Randolph D. Moss on 10/27/2017. (lcrdm2,) (Entered: 10/27/2017)
10/27/2017		Set/Reset Deadlines: Joint Status Report due by 11/30/2017. (kt) (Entered: 10/27/2017)
11/30/2017	<u>15</u>	Joint STATUS REPORT by ANIMAL LEGAL DEFENSE FUND. (Stotter, Daniel) (Entered: 11/30/2017)
11/30/2017		MINUTE ORDER: In their joint status report <u>15</u> , the parties indicated that they have reached an impasse regarding a schedule for the release of the remaining records responsive to Plaintiff's December 15, 2015 FOIA request. It is hereby ORDERED that the parties shall appear for a status conference on December 19, 2017, at 2:00 p.m. in Courtroom 21. The parties should be prepared to discuss their respective positions on the number of pages per month that Defendant may be required to process. It is further ORDERED that the parties may submit an additional joint status report setting forth the bases for each party's request as well as any response to the opposing party's position on or before December 15, 2017. Signed by Judge Randolph D. Moss on 11/30/2017. (lcrdm2,) (Entered: 11/30/2017)
12/01/2017	<u>16</u>	Consent MOTION Telephonic Appearance of Plaintiff's Counsel at December 19, 2017 Hearing by ANIMAL LEGAL DEFENSE FUND (Stotter, Daniel) (Entered: 12/01/2017)
12/01/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 12/15/2017. Status Conference set for 12/19/2017, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 12/01/2017)
12/03/2017		MINUTE ORDER: Upon consideration of Plaintiff's consent motion for telephonic appearance <u>16</u> , the motion is hereby GRANTED. Plaintiff's counsel may contact the courtroom deputy to make the necessary arrangements. Signed by Judge Randolph D. Moss on 12/3/2017. (lcrdm2,) (Entered: 12/03/2017)
12/13/2017	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Taaffe, Damon) (Entered: 12/13/2017)
12/13/2017		MINUTE ORDER: In light of the parties' representations in the joint status report <u>17</u> , it is hereby ORDERED that the status conference scheduled for December 19, 2017, is hereby VACATED. It is further ORDERED that the parties shall submit a joint status report proposing any next steps in this litigation on or before March 30, 2018. Signed by Judge Randolph D. Moss on 12/13/2017. (lcrdm2,) (Entered: 12/13/2017)
12/14/2017		Set/Reset Deadlines: Joint Status Report due by 3/30/2018. (kt) (Entered: 12/14/2017)
03/13/2018	<u>18</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by ANIMAL LEGAL DEFENSE FUND (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 03/13/2018)
03/15/2018		MINUTE ORDER: Plaintiff's consent motion for extension <u>18</u> is hereby GRANTED. It is hereby ORDERED that the parties shall file a joint status report on or before April 27, 2018. Signed by Judge Randolph D. Moss on 3/15/2018. (lcrdm2,) (Entered: 03/15/2018)
03/15/2018		Set/Reset Deadlines: Joint Status Report due by 4/27/2018. (kt) (Entered: 03/15/2018)
03/29/2018	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to ANIMAL LEGAL DEFENSE FUND. Attorney Rachel Doughty terminated. (Doughty, Rachel) (Entered: 03/29/2018)
04/03/2018	<u>20</u>	NOTICE of Appearance by Sherri L. Morgan on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Morgan, Sherri) (Entered: 04/03/2018)

04/27/2018	<u>21</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Morgan, Sherri) (Entered: 04/27/2018)
04/29/2018		MINUTE ORDER: In light of the parties' joint status report <u>21</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 15, 2018, describing their progress in resolving this matter and, if necessary, proposing a briefing schedule. Signed by Judge Randolph D. Moss on 4/29/2018. (lcrdm2,) (Entered: 04/29/2018)
04/30/2018		Set/Reset Deadlines: Joint Status Report due by 6/15/2018, describing their progress in resolving this matter and, if necessary, proposing a briefing schedule. (dot) (Entered: 04/30/2018)
06/15/2018	<u>22</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Morgan, Sherri) (Entered: 06/15/2018)
06/18/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for a status conference on July 5, 2018, at 2:30 p.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 6/18/2018. (lcrdm2,) (Entered: 06/18/2018)
06/18/2018		Set/Reset Hearings: Status Conference set for 7/5/2018, at 2:30 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 06/18/2018)
06/19/2018	<u>23</u>	Consent MOTION for Leave to Appear Telephonically <i>for July 5, 2018 Status Hearing</i> by ANIMAL LEGAL DEFENSE FUND (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 06/19/2018)
06/20/2018		MINUTE ORDER: Plaintiff's consent motion to appear by telephone <u>23</u> is hereby GRANTED. Plaintiff may appear by telephone for the status conference scheduled for July 5, 2018. Signed by Judge Randolph D. Moss on 6/20/2018. (lcrdm2,) (Entered: 06/20/2018)
07/05/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 7/5/2018. Defendant shall respond to outstanding issues by 7/31/2018; Defendant's Motion for Summary Judgment due by 9/17/2018; Plaintiff's Opposition and Cross Motion due by 10/15/2018; Defendant's Reply and Cross Opposition due by 11/13/2018; Plaintiff's Final Reply due by 12/3/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 07/05/2018)
09/13/2018	<u>24</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Morgan, Sherri) (Entered: 09/13/2018)
09/14/2018		MINUTE ORDER: Upon consideration of Defendant's Motion for an Extension of Time, Dkt. 24, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its motion for summary judgment on or before November 14, 2018; Plaintiff shall file an opposition and cross-motion for summary judgment on or before December 14, 2018; Defendant shall file a reply and cross-opposition on or before January 11, 2019; and Plaintiff shall file a reply on or before February 1, 2019. Signed by Judge Randolph D. Moss on 9/14/2018. (lcrdm2,) (Entered: 09/14/2018)
09/18/2018		Set/Reset Deadlines: Defendant shall file its motion for summary judgment on or before 11/14/2018; Plaintiff shall file an opposition and cross-motion for summary judgment on or before 12/14/2018; Defendant shall file a reply and cross-opposition on or before 1/11/2019; and Plaintiff shall file a reply on or before 2/1/2019. (kt) (Entered: 09/18/2018)
11/13/2018	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Patrick Schaefer on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Sherri Morgan and Damon Taafe (Schaefer, Daniel) (Entered: 11/13/2018)
11/13/2018	<u>26</u>	Consent MOTION to Stay <i>Proceedings</i> , Consent MOTION to Vacate <i>Briefing Schedule</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel). (Entered: 11/13/2018)

11/14/2018		MINUTE ORDER: Upon consideration of Defendant's Consent Motion to Stay Proceedings, Dkt. 26, it is hereby ORDERED that the motion is GRANTED. This matter shall be stayed until February 26, 2019. The parties are directed to file a joint status report proposing a schedule for further proceedings and addressing whether a continuation of the stay is necessary on or before February 19, 2019. It is further ORDERED that the briefing schedule in the Court's September 14, 2018 Order is hereby VACATED. Signed by Judge Randolph D. Moss on 11/14/2018. (lcrdm2,) (Entered: 11/14/2018)
12/31/2018	<u>27</u>	NOTICE of Appearance by Sean Terrell Malone on behalf of ANIMAL LEGAL DEFENSE FUND (Malone, Sean) (Entered: 12/31/2018)
02/19/2019	<u>28</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 02/19/2019)
02/21/2019		MINUTE ORDER: Upon consideration of the parties' Joint Status Report, Dkt. 28, it is hereby ORDERED that this matter will remain stayed until May 3, 2019. It is further ORDERED that the parties shall file a joint status report on or before April 26, 2019, proposing a schedule for further proceedings and addressing whether a continuation of the stay is necessary. Signed by Judge Randolph D. Moss on 2/21/2019. (lcrdm2,) (Entered: 02/21/2019)
02/22/2019		Set/Reset Deadlines: Joint Status Report due by 4/26/2019. (kt) (Entered: 02/22/2019)
04/25/2019	<u>29</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Katherine Boyd Palmer-Ball on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Daniel P. Schaefer (Palmer-Ball, Katherine) (Entered: 04/25/2019)